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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,354	09/25/2001	Brian Slesinsky	19312.0019	5878
25094	7590	11/17/2004	EXAMINER	
GRAY, CARY, WARE & FREIDENRICH LLP 2000 University Avenue E. Palo Alto, CA 94303-2248			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/961,354	SLESINSKY, BRIAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 September 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8,10,12,23-30,32 and 34-69 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8,10,12,23-30,32 and 34-69 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/2/04, 9/7/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Remarks**

1. The amendment filed on September 7, 2004 has been received and entered. Claims 58-69 have been newly added. Therefore, claims 1-8, 10, 12, 23-30, 32, and 34-69 are now pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10, 12, 23-30, 32, and 34-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldring et al. (U.S. Patent No. 6,397,125 B1) in view of Huang et al. (U.S. Patent No. 6,393,434 B1).

As to claims 1, and 23, Goldring et al. discloses a computer program product for synchronizing a database with a software applications which supports the database (See Goldring et al. column 1, lines 51-58, prior art), the computer program product comprising: a computer readable medium (See Goldring et al. column 2, lines 57-63); and computer program instructions, recorded on the computer readable medium, executable by a processor (See Goldring et al. column 12, lines 31-33), for performing the steps of:

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a method of synchronizing a database with a software application which supports the databases (See Goldring et al. column 3, lines 30-65, also see Goldring et al. column 8, lines 1-18):

obtaining a table schema employed by a software application which utilizes a database (See Goldring et al. column 5, lines 30-67, also see Goldring et al. column 6, lines 1-44); and synchronizing the database to conform to with the table schema employed by the software application (See Goldring et al. column 3, lines 30-65).

Goldring et al. does not teach version.

Huang et al. teaches version (See Huang et al. column 12, lines 1-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Goldring et al. to include version.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Goldring et al. by the teaching of Huang et al. to include version because it is well known in the database art that application once updated or modified are referred to by versions to allow for accuracy and tracking of all records in the database.

As to claims 2, and 24, Goldring et al. as modified further comprising representing the table schema employed by the version of the software application (See Huang et al. column 12, lines 1-51).

As to claims 3, 25, and 37, Goldring et al. does not teach wherein the configuration file is provided in a markup language.

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Huang et al. teaches wherein the configuration file is provided in a markup language (See Huang et al. column 15, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Goldring et al. to include wherein the configuration file is provided in a markup language.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Goldring et al. by the teaching of Huang et al. to include wherein the configuration file is provided in a markup language because it is well known in the database art to use markup language in easing communication between two sources and including auxiliary information with transported data.

As to claims 4, and 26, Goldring et al. as modified discloses comprising determining that the table schema employed by the version of the software application conflicts with the database (See Huang et al. column 15, lines 27-67).

As to claims 5, and 27, Goldring et al. as modified discloses wherein determining that the table schema employed by the version of the software application conflicts with the database includes reading the configuration file (See Goldring et al. column 11, lines 1-24, also see Huang et al. column 6, lines 20-46, also see Huang et al. column 9, lines 11-34).

As to claim 6, and 28, Goldring et al. as modified discloses wherein determining that the table schema employed by the version of the software application conflicts with the database

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includes examining the table schema implemented by the database (See Goldring et al. column 9, lines 36-58).

As to claim 7, and 29, Goldring et al. as modified discloses wherein determining that the table schema employed by the version of the software application conflicts with the database includes identifying schema data in the table schema employed by the version of the software application required in the table schema implemented by the database (See Goldring et al. column 12, lines 39-49, also see Huang et al. column 14, lines 15-36).

As to claims 8, and 30, Goldring et al. as modified discloses wherein synchronizing the database to conform with the table schema employed by the version of the software application includes adding the schema data to the database (See Goldring et al. column 2, lines 57-63, also see Goldring et al. column 3, lines 30-58, also see Goldring et al. column 5, lines 46-67).

As to claims 10, and 32, Goldring et al. as modified discloses wherein synchronizing the database to conform with the table schema employed by the version of the software application includes creating schema data in the database according to the schema employed by the version of the software application (See Goldring et al. column 5, lines 46-67, also see Goldring et al. column 9, table, shows schema change or target database creation).

As to claim 12, Goldring et al. discloses a system for synchronizing a database with a software applications which supports the database comprising:

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a first interface operable to obtain a table schema employed by the software application which utilizes a database (See Goldring et al. column 1, lines 25-30, prior art).

Goldring et al. does not teach a script maker operable to synchronize the database to conform with the table schema employed by the version of the software application.

Huang et al. teaches a script maker operable to synchronize the database to conform with the table schema employed by the version of the software application (See Huang et al. column 12, lines 1-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Goldring et al. to include a script maker operable to synchronize the database to conform with the table schema employed by the version of the software application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Goldring et al. by the teaching of Huang et al. to include a script maker operable to synchronize the database to conform with the table schema employed by the version of the software application because a script used for synchronization allows for different configuration to be loaded and customized (See Huang et al. column 3, lines 40-55) as well as ease of loading the selected configuration (See Huang et al. column 6, lines 23-37).

As to claim 34, Goldring et al. as modified discloses wherein the table schema is represented in a configuration file (See Goldring et al. column 11, lines 1-24, also see Goldring et al. column 9, lines 24-49, also see Huang et al. column 6, lines 20-46, also see Huang et al. column 9, lines 11-34).

As to claims 46, 35, and 52, Goldring et al. as modified discloses wherein the configuration file represents the table schema employed by the version of the software application in a database neutral manner (See Huang et al. column 9, lines 11-43, also see Goldring et al. column 9, lines 24-49).

As to claims 36, 47, and 53, Goldring et al. as modified discloses wherein the configuration file includes database representation table data associated with the version of the software application (See Huang et al. column 12, lines 1-51).

As to claim 38, Goldring et al. as modified discloses wherein the script maker includes a difference algorithm operable to determine the differences between the table schema and the database (See Goldring et al. abstract, also see Goldring et al. column 2, lines 57-64).

As to claim 39, Goldring et al. as modified discloses wherein the difference algorithm is operable to read the configuration file (See Goldring et al. column 11, lines 1-24, also see Huang et al. column 6, lines 20-46, also see Huang et al. column 9, lines 11-34).

As to claim 40, Goldring et al. as modified discloses wherein the difference algorithm is operable to identify schema data in the table schema not included in the database (See Goldring et al. column 2, lines 57-63, also see Goldring et al. column 3, lines 30-58, wherein “not included” reads on “avoiding creation of tables which already exist”).

As to claim 41, Goldring et al. as modified discloses wherein the script maker is operable to add the schema data to the database (See Goldring et al. column 2, lines 57-63, also see Goldring et al. column 1, lines 51-58, prior art).

As to claims 42, 48, and 54, Goldring et al. as modified discloses wherein obtaining the table schema includes reading the configuration file (See Goldring et al. column 11, lines 1-24, also see Huang et al. column 6, lines 20-46, also see Huang et al. column 9, lines 11-34).

As to claims 43, 49, and 55, Goldring et al. as modified discloses wherein synchronizing the table schema with the database occurs in association with an installation of the software version (See Huang et al. column 11, lines 21-65, also see Huang et al. column 12, lines 1-51).

As to claims 44, 50, and 56, Goldring et al. as modified discloses wherein synchronizing the table schema with the database includes determining inconsistencies between the table schema and the database (See Goldring et al. column 12, lines 7-25, also see Huang et al. abstract).

As to claims 45, 51, and 57, Goldring et al. as modified discloses wherein synchronizing the table schema with the database further comprises includes generating a table which conforms with the table schema (See Goldring et al. column 5, lines 40-55, also see Goldring et al. column 6, lines 34-54).

As to claims 58, 62, and 66, Goldring et al. discloses wherein the synchronizing the database comprises:

retrieving information about the database, including a table schema employed by the database (See Goldring et al. column 6, lines 16-54); and

generating a statement specific to the database (See Goldring et al. column 5, lines 46-55).

As to claims 59, 63, and 67, Goldring et al. as modified discloses wherein the information about the database further includes driver information, user information, a setting and a table name (See Goldring et al. column 4, lines 58-67, also see Huang et al. column 9, lines 44-64, also see Huang et al. column 3, lines 16-31).

As to claims 60, 64, and 68, Goldring et al. as modified discloses wherein if the software application is being installed the statement is operable to create a table in the database, wherein the table is in accordance with the table schema employed by the version of the software application and if the software application is being updated, the statement is operable to determine a difference between the table schema employed by the version of the software application and the table schema implemented in the database and either modify an existing table in the database or create a table in the database (See Goldring et al. column 5, lines 1-23).

As to claims 61, 65, and 69, Goldring et al. as modified discloses wherein the statement is in SQL (See Goldring et al. column 3, lines 45-58).

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-8, 10, 12, 23-30, 32, and 34-69 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Musgrove et al. (U.S. Patent No. 6,535,880 B1) teaches automated online commerce method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil

November 5, 2004



SAM RIMELL  
PRIMARY EXAMINER